

THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION – CIVIL

Filed and Attested by the
Office of Judicial Records
26 FEB 2018 04:50 pm
C. FORTE

Robert Holton,

Appellant

v.

September Term, 2017

City of Philadelphia Board of License
and Inspection Review,

No. 02758

Appellee

FINDINGS OF FACT AND CONCLUSIONS OF LAW
OF THE
BOARD OF LICENSE AND INSPECTION REVIEW

This appeal is taken by Robert Holton (“Appellant”) from a decision of the City of Philadelphia Board of License and Inspection Review (“Board”), at Appeal No. 30394, affirming the City’s issuance of a Cease Operations Notice and Order for the property located at 4087 Richmond Street. In support of its decision, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On March 2, 2017, the Philadelphia Department of Licenses and Inspections (“L&I” or “Department”) inspected the Property and issued a notice stating the premises had been “designated ... as in violation, in whole or in part, within the meaning of the Philadelphia Code.” The notice identified several violations, including operation of a scrap yard without the required zoning permit and hazardous materials license and fire safety violations related to wiring and storage of hazardous materials on site.
2. On March 9, 2017, the Department sent Appellant a “Certification of Violations.” The Certification noted that the Property had been inspected on March 2, 2017, and that the Department had “determined in accordance with §A-805 that the subject premises is being used and/or operated without the required lawful authorization, zoning and otherwise.” The Certification went on to list several violations “that would be cited if such use was lawful and authorized by Zoning Permit and otherwise.”
3. The March 9, 2017, Certification also referenced a “Cease Operations Order pursuant to Title 14, Zoning and Planning Code §14-306(e).”
4. The Property was described in the March 9, 2017, Certification as “Frankfort Creek Right of Way taken by Eminent Domain in accordance with Ordinance of City Council dated December 19, 1951.”

5. The Department subsequently issued a “Notice of Intent to Cease Operations and Order” for the Property advising Appellant that the Cease Operations would take effect on April 12, 2017, unless he either (1) obtained “an immediate stay of enforcement,” or (2) corrected the cited violations and passed an inspection by the Department. *See* Notice of Intent to Cease Operations and Order and Photo of posting at the Property.
6. The Cease Operations order became effective and was posted at the Property on April 12, 2017. *Id.*
7. Appellant appealed the Notice of Intent to Cease Operations and Order on April 2, 2017. In his appeal, he alleged:
 - i. That he never received the March 2, 2017, notice referenced in the Notice of Intent to Cease Operations;
 - ii. That he had the licenses listed or they were “pending but cancelled without authorization of appellant;”
 - iii. That certain items described as missing (such as fire extinguishers and no smoking signs) “were in place but either not asked for or viewed by inspector;”
 - iv. That certain other items (such as weeds and tank markings) “all conformed to inspector’s request;”
 - v. That there was “no proper authority for the notice of intent to cease operations; and
 - vi. That the listed violations, even if accurate, were “no basis for cease operations.”

See Appeal 30394, dated 4/02/17.

8. A hearing on the matter was held on August 29, 2017, and, at its conclusion, the Board voted to affirm the City’s decision, thereby denying Appellant’s appeal. 8/29/17 N.T. at
9. In an opening statement to the Board, attorney Christopher Johnson, representing the City, said:

Basically, there’s a business being conducted at the premises known as 4087 Richmond Street, which is actually a part of the Frankford Creek Right of Way, that is actually city property. ... It’s not zoned for the business that’s occurring at that premises, or any of the activities that are being conducted on that premises.

8/29/17 at 4.

10. When asked to describe the cited violations, Mr. Johnson said there were Fire Code violations that included faulty wiring, failure to have portable fire extinguishers on site, and failure to post “no smoking” signs, as well as violations related to the storage and disposal of hazardous materials. 9/29/17 N.T. at 5.
11. Mr. Johnson acknowledged that some of the cited conditions had been corrected since issuance of the notices, but said:

However, the major issues – lack of zoning to conduct that business at that premises, no permits to run the business or licenses to run the business. Those have not been complied.

9/29/17 N.T. at 7.

12. Mr. Johnson called Silvio DiGuglielmo, an L&I Inspector who works with the Department's Scrap Metal Task Force, to testify regarding violations at the Property.
13. Mr. DiGuglielmo testified that he inspected the Property on March 2, 2017, and observed "a business called K-Squad," which he described as "a scrap yard that deals mostly with automobiles, dismantling automobiles, or selling automobiles," operating there. 9/29/17 N.T. at 8.
14. Mr. DiGuglielmo identified several violations he discovered at the Property, but noted:

... most important was the zoning. There's no zoning for a scrap yard at that address, no licenses, no auto repair licenses, no hazmat licenses.

Id.
15. Mr. DiGuglielmo said a notice of violation was sent to Appellant on March 8, 2017, and on March 9, 2017, "Supervisor James Titus and another inspector delivered the Intent to Cease letter." 9/29/17 N.T. at 10.
16. Mr. DiGuglielmo said the final notice was on April 3, 2017, and on April 12, 2017, he and Supervisor Titus went to the Property "to conduct a cease on the property for not having the proper zoning." 9/29/17 N.T. at 10-11.
17. With regard to the zoning, Mr. DiGuglielmo noted that no zoning permit had been issued either for the Property's use as a scrap metal yard or for several trailers he observed on site. 9/29/17 N.T. at 14. 35-36.
18. Mr. DiGuglielmo testified that he had returned to the Property the previous day (September 28th – the day before the hearing) to see if the business was continuing in operation despite the cease order. He said he observed that the cease order was no longer posted, that the "gate was open," and that "there was a sign stating batteries for sale." 9/29/17 N.T. at 35.
19. On the zoning issue, Appellant's attorney, Craig Sobin, Esquire, said he would "stipulate that there may not be a zoning permit," but not "that a zoning permit would be required." 9/29/17 N.T. at 41.
20. Mr. Johnson next called Darin Gatti, Chief Engineer and President of the Board of Surveyors for the Philadelphia Streets Department, to testify. 9/29/17 N.T. at 38.
21. Mr. Gatti testified that the Property is located "in the Frankford Creek" and said he had previously informed Appellant that the business at the Property "is operating on the Frankford Creek Right of Way, which is City property." Mr. Gatti said the Property's location was relevant because "it affects public safety and it's hazardous to public health." 9/29/17 N.T. at 45.

22. In response to Mr. Gatti's testimony, Appellant's attorney, Mr. Sopin, said his client had purchased the Property and believed he owned it. Mr. Sopin also maintained that the ownership issue was not before the Board and that Mr. Gatti's testimony was not relevant. 9/29/17 N.T. at 39, 47.
23. Mr. Sopin then called Appellant to testify.
24. Appellant testified that the violations for which he was cited either did not exist or had been corrected within 35 days of the March 2, 2017, inspection.
25. Appellant said he had a valid Hazardous Materials Permit that was mistakenly cancelled by the City on March 2, 2017, but subsequently reinstated.
26. When asked by Mr. Sopin if he believed there was a zoning problem related to the business, Appellant said "no," then explained:

This property's all least restricted. You can go down to the City and pull a license for anything, as long as there's a license to be pulled for it. There's no restrictions on this property. I don't know if you are familiar with LR property. It's mostly all old railroad property. You don't have to have a zoning for it.

9/29/17 N.T. at 53.¹

27. Appellant also denied that a zoning permit was required for trailers on the Property, saying "you don't have to have a permit for a trailer, unless it's stationary." The trailers at the Property were, he said, "portable, they're on wheels." 9/29/17 N.T. at 60.
28. In a closing statement, Mr. Sobin argued that his client had not received the March 2nd notice, that the March 9th notice had not identified failure to obtain a zoning permit as a violation, and that the Department did not return for a reinspection to determine if the cited violations had been corrected within 35 days of the March 2, 2017, inspection. Mr. Sopin said that "everything since March 2nd has been complied with." 9/29/17 N.T. at 64-65.

CONCLUSIONS OF LAW

1. The Board concludes that a zoning permit was required for the business at the Property, that none was obtained, and that the Cease Operations Order therefore was properly issued.
- 2.

¹ The notes of testimony indicate that Appellant described the Property as "least restricted." Given the context, the Board believes the court stenographer misheard the word and that Appellant actually said "least restricted."

3. Section A-301.1.5 of the Philadelphia Code provides that a zoning use registration permit is required “for every new use commenced on any land or in any structure except for use as a single-family dwelling or place of worship.”
4. Appellant does not claim to have a zoning permit for operation of a scrap yard at the Property. He instead maintains he does not need one because the Property is “least restricted.”
5. The Least Restricted zoning classification existed under a prior version of the Philadelphia Zoning Code. Under the new Zoning Code, enacted in 2012, properties previously classified as Least Restricted are now zoned I-3 Heavy Industrial. Code at 14-403(1).
6. Regardless of the Property’s zoning classification, a zoning use registration permit for the business operating there is required.
7. Even if – as Appellant suggests – the use is permitted by right, this would not excuse Appellant from obtaining the required zoning permit.
8. Appellant’s failure to obtain a zoning permit for the business operating at the Property is, in itself, sufficient to support the City’s issuance of a Cease Operations order. Since the basic use is not authorized, it is not necessary to consider whether other violations related to that use have been corrected.
9. With regard to Appellant’s notice argument, the Board notes that the March 9, 2017, certification of violations, which Appellant does not deny receiving, did in fact note that the “subject premises is being used and/or operated without the required lawful authorization, zoning and otherwise.” In addition, it noted that other violations issued for the Property were conditions “that would be cited if such use was lawful and authorized by Zoning Permit and otherwise.”
10. The Board finds this sufficient notice of the zoning violation. Despite having been put on notice, Appellant had not taken any steps to obtain a zoning permit prior to appearing before the Board.
11. For all of the above stated reasons, the Board finds the City acted properly in issuing the Cease Operations order challenged by Appellant in this appeal.

Vote of the Board of License and Inspection Review: Appeal No. 30394

Rachel Gallegos	City Affirmed
Stephen Pettit	City Affirmed
Dennis Lee	City Affirmed
Ronald Donatucci, Jr.	City Affirmed

Respectfully submitted,

/s/

Michelle Rand
Administrator, Board of License and Inspection

City of Philadelphia

Board of License and Inspection Review



1401 John F. Kennedy Blvd.
Municipal Services Building - 11th Floor
ATTN: Board of License and Inspection Review
Philadelphia, PA 19102

Date: April 2, 2017

Appeal No: 30394

APPEAL

The undersigned has been aggrieved by action taken by the City of Philadelphia and hereby appeals to the Board of License and Inspection Review.

The action of the Department from which this appeal is taken:

Premises Cited: 4087 Richmond Street a/k/a: 3950 Delaware Ave., Phila. PA 19137
Date on one notice (attch.) is March 9, 2017. "Original notice" date on
Date of Violation/Refusal Notice: Notice of Intent to Cease Operations and Order (attch).
is 03/02/17. No notice with that date was received. That was inspection date.
Violation/Refusal Appealed: See attached list on City's letter dated March 9, 2017.

The grounds for appeal are as follows: 1) No notice given on 3/2/17. That was inspection date. 2) Appellant had licenses listed or they were pending but cancelled, without authorization of appellant. 3) Examples of licenses are attached. 4) Certain items were in place and either not asked for or viewed by inspector such as fire extinguishers, MSDS Sheets, 704 sign, no smoking signs, scale license, etc. 5) Weeds, cords, high pile storage, "defective" containers, tank markings all conformed to inspector's request. 6) No proper authority for notice of intent to cease operations. 7) Even if listed violations were accurate, no basis for cease operations.

215-928-0300

Daytime Telephone Number

Robert Holton

Name of Appellant (PRINT CLEARLY)

4085-87 Richmond Street

Appellant's Address

Philadelphia

PA

19137

City

State

ZIP

Evening Telephone Number

E-mail Address

Craig A. Sopin, Esquire

Attorney (if any)

601 Walnut Street, Suite 160-West

Attorney's Address

Philadelphia

PA

19106

City

State

ZIP

Fax Number

Signed (Appellant's Signature)

By signing above appellant certifies that the statements
contained herein are true and correct to the best of the
appellant's knowledge and belief.

PLEASE READ THE FOLLOWING CAREFULLY:

Appeal must be signed by appellant or by attorney representing appellant. Representation by attorney is not required. Two (2) copies of appeal must be filed at the office of the Board, at the address given above, within thirty (30) days of the first notice of violation. Please attach two (2) copies of any notice or letter from which you are appealing. If you comply with the orders of the Department at any time after this application is filed, please notify the Board in writing at the above address.



CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS

Code Enforcement Unit
Commercial and Industrial Unit
1401 JFK Blvd.
11th Floor, Suite 1130
Philadelphia, PA 19102

VIOLATION NOTICE

CREEDON KEVIN
K SQUAD
4087 RICHMOND STREET
PHILADELPHIA PA 19137

Case No: 574778

Date of Notice: 03/02/17

Subject Premises: 4087 RICHMOND ST "FRANKFORD CREEK RIGHT OF WAY" AKA 4087
RICH

Inspection Type: C&I FIRE INSPECTION # 1

This is to inform you that the Department of Licenses and Inspections has inspected the subject premises and designated it as **in violation**, in whole or in part, within the meaning of the Philadelphia Code. This designation will remain until the violation(s) below is corrected.

If you fail to comply with this order, the City may take actions to comply with the city code by using its own forces or by contract. You will be billed for all costs incurred including court and administrative fees. Failure to pay such bill will result in the City filing a lien in the amount against the title to the premises and/or costs and charges being recovered by a civil action brought against you.

If you have any questions regarding this notice, you may call the Code Enforcement Unit at 215-686-2506.

If you intend to appeal this violation, you must apply at Boards Administration, Public Services 11th Floor, Municipal Services Building, 1401 John F. Kennedy Blvd., Philadelphia, PA 19102, within 30 days of the date of this notice. Telephone inquiries concerning appeal process can be directed to 215-686-2427. It is necessary that you submit a copy of this notice with the appeal. (See A-801.2)

Please Note: Appeals for Fire Code requirements must be submitted to the Board of Safety and Fire Prevention, 240 Spring Garden Street, Philadelphia, PA 19123, (215) 686-1356.

INSPECTOR GONZALEZ
Code Enforcement

VIOLATIONS:

The quantity of hazardous material at this location exceeds the amount allowed without a permit.

An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts indicated within the Fire Code.

You must obtain the required operational permit or reduce, in an approved manner, the quantity of hazardous material on-site to or below the code limitation.

For application information, you may call License Issuance at 215-686-2490. (See F-2701.5, F 105.6.21 and F-105.6.21.1)

Location: 4087 RICHMOND ST/K SQUAD

OBTAIN ACTIVE HAZARDOUS MATERIAL LICENSE



CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS

Code Enforcement Unit
Commercial and Industrial Unit
1401 JFK Blvd.
11th Floor, Suite 1130
Philadelphia, PA 19102

VIOLATION NOTICE

CREEDON KEVIN
4087 RICHMOND STREET
PHILADELPHIA PA 19137

Case No: 574778
Date of Notice: 03/02/17

The status of this violation is NOT COMPLIED as of 03/02/17.
The number of days to comply this violation is 35 days.

A use registration permit is required for every new use commenced on any land or in any structure. Return the subject premise to its approved usage or secure the proper permit for its present use. For zoning information call 215-686-2455. (See A-301.1.5)

Location: 4087 RICHMOND ST/K SQUAD

MUST OBTAIN ZONING FOR ALL USES ON PROPERTY. SCRAP METAL/DISMANTLING/WRECKING OF USED MOTOR VEHICLES TO INCLUDE STORAGE AND SALE OF DISMANTLED. PARTIALLY DISMANTLED INOPERATIVE/WRECKED VEHICLES AND THEIR PARTS.

The status of this violation is NOT COMPLIED as of 03/02/17.
The number of days to comply this violation is 35 days.

The subject building lacks one or more required portable fire extinguishers. Sufficient portable fire extinguishers, selected in accordance with the Fire Code and NFPA 10, must be placed so that travel distance to an extinguisher does not exceed 75 feet from any point in the building. Each required extinguisher is to be in a conspicuous location where it will be readily accessible and immediately available for use. The location is to be along normal paths of travel, unless the fire code official determines otherwise. Fire extinguishers must not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers. You must install and maintain a fire extinguisher(s) in accordance with the above. (See F-906.1, F-906.2, F-906.3, F-906.5 and F-906.6)

Location: 4087 RICHMOND ST/K SQUAD YARD AREA

The status of this violation is NOT COMPLIED as of 03/02/17.
The number of days to comply this violation is 35 days.

Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures; extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances. (See F-605.5)

Location: 4087 RICHMOND ST/ K SQUAD/STORAGE TRAILER

EXTENSION CORDS THAT ARE STRUNG ALONG THE WALL, FLOOR MUST BE REMOVED & DEDICATED WIRING INSTALLED.

The status of this violation is NOT COMPLIED as of 03/02/17.
The number of days to comply this violation is 35 days.



CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS

Code Enforcement Unit
Commercial and Industrial Unit
1401 JFK Blvd.
11th Floor, Suite 1130
Philadelphia, PA 19102

VIOLATION NOTICE

CREEDON KEVIN
4087 RICHMOND STREET
PHILADELPHIA PA 19137

Case No: 574778
Date of Notice: 03/02/17

This location lacks one or more of the required hazardous material identification signs. Unless otherwise exempted by the fire code official, visible hazard identification signs as specified in NFPA 704 for the specific material contained shall be placed on stationary containers and above-ground tanks and at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit and at specific entrances and locations designated by the fire code official.

Such signs must not be obscured or removed, must be in English as a primary language or in symbols allowed by this code, must be durable, and the size, color and lettering must be approved.

You must place a hazard identification sign meeting the above standards at each required location. (See F-2703.5 and F-2703.6)

Location: 4087 RICHMOND ST/K SQUAD/AT FRONT ENTRANCE
INSTALL ON THE EXTERIOR FENCE NEAR ENTRANCE

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

The Material Safety Data Sheets (MSDS) for one or more of the hazardous materials found on this site are not available as required.

A MSDS must be readily available and properly maintained on the premises for hazardous materials regulated by Chapter 27 of the Philadelphia Fire Code.

You must make every required MSDS readily available or properly remove the material from the premises. (See F-2703.4)

Location: 4087 RICHMOND ST/K SQUAD

MSDS FOR ALL FLUIDS ON SITE

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

Prohibited smoking is taking place at this location.

Smoking is prohibited and "No smoking" signs must be provided in:

1. Rooms or areas where hazardous materials are stored, dispensed or used in open systems in amounts requiring a permit.
2. Within 25 feet of outdoor storage, dispensing or open use areas.

(See F-2703.7.1)

Location: 4087 RICHMOND ST/ K SQUAD/YARD AREA

POST IN YARD AREA

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.



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VIOLATION NOTICE

CREEDON KEVIN
4087 RICHMOND STREET
PHILADELPHIA PA 19137

Case No: 574778
Date of Notice: 03/02/17

The accumulated grass or other growth at this location is a fire hazard. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, must be cut down and removed by the owner or occupant of the premises. You must remove accumulated grass or weeds from this premises.
(See F-304.1.2)

Location: 4087 RICHMOND ST/K SQUAD/YARD AREA

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

You must obtain the license indicated below for the activity conducted at this location or discontinue the activity. For license application information, call 215 686-2463. (See Titles 9 and 10)

Licenses required by the Philadelphia Code must be publicly displayed in a conspicuous place where the licensed activity or act is principally conducted in accordance with the requirements of the license. (See Titles 9 and 10)

Location: 4087 RICHMOND ST/K SQUAD

3374 - AUTO WRECKING LICENSE

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

One or more individual containers, cartons or packages that contain hazardous material are not identified as required.

Unless otherwise exempted by the fire code official, each such item must be conspicuously marked or labeled in an approved manner. Such signs must not be obscured or removed, must be in English as a primary language or in symbols allowed by this code, must be durable, and the size, color and lettering must be approved.

You must properly mark or label each such individual container, carton or package. (See F-2703.5.1 and F-2703.6)

Location: 4087 RICHMOND ST/K SQUAD/YARD AREA

ALL DRUMS MUST BE ACCURATELY MARKED OF THEIR CONTENTS OR MARKED IF EMPTY.

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.



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CREEDON KEVIN
4087 RICHMOND STREET
PHILADELPHIA PA 19137

Case No: 574778
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Licenses required by the Philadelphia Code must be publicly displayed in a conspicuous place where the licensed activity or act is principally conducted in accordance with the requirements of the license. (See Titles 9 and 10)

Location: 4087 RICHMOND ST/ K SQUAD

SCALE LICENSE

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

The storage of combustible material at this location exceeds Fire Code limitations.

The outside storage of combustible materials must not exceed individual piles of 10 feet in height. The height is permitted to increase by one foot for each one and one-half foot increase in the width of fire access lanes (over the minimum 15 feet wide) on all sides of each pile to a maximum height of 20 feet.

You must reduce the height of any pile that exceeds 20 feet or a lesser height as determined by the width of the fire lanes on this property. (See F-315.3.2)

Location: 4087 RICHMOND ST/K SQUAD/REAR

CARS TO STACKED TO HIGH.

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

A \$75 fee will be assessed on the third inspection failure doubling with each subsequent failure up to a \$300 fine per inspection.



CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS

Code Enforcement Unit
Commercial and Industrial Unit
1401 JFK Blvd.
11th Floor, Suite 1130
Philadelphia, PA 19102

VIOLATION NOTICE

HOLTON ROBERT
3950 DELAWARE AVENUE
PHILADELPHIA PA 19137

Case No: 574778
Date of Notice: 03/02/17

Subject Premises: 4087 RICHMOND ST "FRANKFORD CREEK RIGHT OF WAY" AKA 4087 RICH
Inspection Type: C&I FIRE INSPECTION # 1

This is to inform you that the Department of Licenses and Inspections has inspected the subject premises and designated it as **in violation**, in whole or in part, within the meaning of the Philadelphia Code. This designation will remain until the violation(s) below is corrected.

If you fail to comply with this order, the City may take actions to comply with the city code by using its own forces or by contract. You, will be billed for all costs incurred including court and administrative fees. Failure to pay such bill will result in the City filing a lien in the amount against the title to the premises and/or costs and charges being recovered by a civil action brought against you.

If you have any questions regarding this notice, you may call the Code Enforcement Unit at 215-686-2506.

If you intend to appeal this violation, you must apply at Boards Administration, Public Services 11th Floor, Municipal Services Building, 1401 John F. Kennedy Blvd., Philadelphia, PA 19102, within 30 days of the date of this notice. Telephone inquiries concerning appeal process can be directed to 215-686-2427. It is necessary that you submit a copy of this notice with the appeal. (See A-801.2)

Please Note: Appeals for Fire Code requirements must be submitted to the Board of Safety and Fire Prevention, 240 Spring Garden Street, Philadelphia, PA 19123, (215) 686-1356.

INSPECTOR GONZALEZ
Code Enforcement

VIOLATIONS:

The quantity of hazardous material at this location exceeds the amount allowed without a permit.

An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts indicated within the Fire Code.

You must obtain the required operational permit or reduce, in an approved manner, the quantity of hazardous material on-site to or below the code limitation.

For application information, you may call License Issuance at 215-686-2490. (See F-2701.5, F 105.6.21 and F-105.6.21.1)

Location: 4087 RICHMOND ST/K SQUAD

OBTAIN ACTIVE HAZARDOUS MATERIAL LICENSE

The status of this violation is NOT COMPLIED as of 03/02/17.



CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS

Code Enforcement Unit
Commercial and Industrial Unit
1401 JFK Blvd.
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VIOLATION NOTICE

HOLTON ROBERT
3950 DELAWARE AVENUE
PHILADELPHIA PA 19137

Case No: 574778
Date of Notice: 03/02/17

The number of days to comply this violation is 35 days.

A use registration permit is required for every new use commenced on any land or in any structure. Return the subject premise to its approved usage or secure the proper permit for its present use. For zoning information call 215-686-2455. (See A-301.1.5)

Location: 4087 RICHMOND ST/K SQUAD

MUST OBTAIN ZONING FOR ALL USES ON PROPERTY. SCRAP METAL/DISMANTLING/WRECKING OF USED MOTOR VEHICLES TO INCLUDE STORAGE AND SALE OF DISMANTLED. PARTIALLY DISMANTLED INOPERATIVE/WRECKED VEHICLES AND THEIR PARTS.

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

The subject building lacks one or more required portable fire extinguishers. Sufficient portable fire extinguishers, selected in accordance with the Fire Code and NFPA 10, must be placed so that travel distance to an extinguisher does not exceed 75 feet from any point in the building. Each required extinguisher is to be in a conspicuous location where it will be readily accessible and immediately available for use. The location is to be along normal paths of travel, unless the fire code official determines otherwise. Fire extinguishers must not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers. You must install and maintain a fire extinguisher(s) in accordance with the above. (See F-906.1, F-906.2, F-906.3, F-906.5 and F-906.6)

Location: 4087 RICHMOND ST/K SQUAD YARD AREA

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures; extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances. (See F-605.5)

Location: 4087 RICHMOND ST/ K SQUAD/STORAGE TRAILER

EXTENSION CORDS THAT ARE STRUNG ALONG THE WALL, FLOOR MUST BE REMOVED & DEDICATED WIRING INSTALLED.

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VIOLATION NOTICE

HOLTON ROBERT
3950 DELAWARE AVENUE
PHILADELPHIA PA 19137

Case No: 574778
Date of Notice: 03/02/17

This location lacks one or more of the required hazardous material identification signs. Unless otherwise exempted by the fire code official, visible hazard identification signs as specified in NFPA 704 for the specific material contained shall be placed on stationary containers and above-ground tanks and at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit and at specific entrances and locations designated by the fire code official.

Such signs must not be obscured or removed, must be in English as a primary language or in symbols allowed by this code, must be durable, and the size, color and lettering must be approved.

You must place a hazard identification sign meeting the above standards at each required location. (See F-2703.5 and F-2703.6)

**Location: 4087 RICHMOND ST/K SQUAD/AT FRONT ENTRANCE
INSTALL ON THE EXTERIOR FENCE NEAR ENTRANCE**

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

The Material Safety Data Sheets (MSDS) for one or more of the hazardous materials found on this site are not available as required.

A MSDS must be readily available and properly maintained on the premises for hazardous materials regulated by Chapter 27 of the Philadelphia Fire Code.

You must make every required MSDS readily available or properly remove the material from th premises. (See F-2703.4)

Location: 4087 RICHMOND ST/K SQUAD

MSDS FOR ALL FLUIDS ON SITE

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

Prohibited smoking is taking place at this location.

Smoking is prohibited and "No smoking" signs must be provided in:

1. Rooms or areas where hazardous materials are stored, dispensed or used in open systems in amounts requiring a permit.
2. Within 25 feet of outdoor storage, dispensing or open use areas.

(See F-2703.7.1)

**Location: 4087 RICHMOND ST/ K SQUAD/YARD AREA
POST IN YARD AREA**

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

RECEIVED
2017 APR -3 PM 1:51
DEPT. OF
LICENSES AND INSPECTIONS



CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS

Code Enforcement Unit
Commercial and Industrial Unit
1401 JFK Blvd.
11th Floor, Suite 1130
Philadelphia, PA 19102

VIOLATION NOTICE

HOLTON ROBERT
3950 DELAWARE AVENUE
PHILADELPHIA PA 19137

Case No: 574778
Date of Notice: 03/02/17

The accumulated grass or other growth at this location is a fire hazard. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, must be cut down and removed by the owner or occupant of the premises. You must remove accumulated grass or weeds from this premises. (See F-304.1.2)

Location: 4087 RICHMOND ST/K SQUAD/YARD AREA

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

You must obtain the license indicated below for the activity conducted at this location or discontinue the activity. For license application information, call 215 686-2463. (See Titles 9 and 10)

Licenses required by the Philadelphia Code must be publicly displayed in a conspicuous place where the licensed activity or act is principally conducted in accordance with the requirements of the license. (See Titles 9 and 10)

Location: 4087 RICHMOND ST/K SQUAD

3374 - AUTO WRECKING LICENSE

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

One or more individual containers, cartons or packages that contain hazardous material are not identified as required.

Unless otherwise exempted by the fire code official, each such item must be conspicuously marked or labeled in an approved manner. Such signs must not be obscured or removed, must be in English as a primary language or in symbols allowed by this code, must be durable, and the size, color and lettering must be approved.

You must properly mark or label each such individual container, carton or package. (See F-2703.5.1 and F-2703.6)

Location: 4087 RICHMOND ST/K SQUAD/YARD AREA

ALL DRUMS MUST BE ACCURATELY MARKED OF THEIR CONTENTS OR MARKED IF EMPTY.

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.



CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS

Code Enforcement Unit
Commercial and Industrial Unit
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VIOLATION NOTICE

HOLTON ROBERT
3950 DELAWARE AVENUE
PHILADELPHIA PA 19137

Case No: 574778
Date of Notice: 03/02/17

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Licenses required by the Philadelphia Code must be publicly displayed in a conspicuous place where the licensed activity or act is principally conducted in accordance with the requirements of the license. (See Titles 9 and 10)

Location: 4087 RICHMOND ST/ K SQUAD

SCALE LICENSE

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

The storage of combustible material at this location exceeds Fire Code limitations.

The outside storage of combustible materials must not exceed individual piles of 10 feet in height. The height is permitted to increase by one foot for each one and one-half foot increase in the width of fire access lanes (over the minimum 15 feet wide) on all sides of each pile to a maximum height of 20 feet.

You must reduce the height of any pile that exceeds 20 feet or a lesser height as determined by the width of the fire lanes on this property. (See F-315.3.2)

Location: 4087 RICHMOND ST/K SQUAD/REAR

CARS TO STACKED TO HIGH.

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

A \$75 fee will be assessed on the third inspection failure doubling with each subsequent failure up to a \$300 fine per inspection.

2017 APR -3 PM 1:57
CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS
COMMERCIAL AND INDUSTRIAL UNIT



CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS

Code Enforcement Unit
Commercial and Industrial Unit
1401 JFK Blvd.
11th Floor, Suite 1130
Philadelphia, PA 19102

VIOLATION NOTICE

HOLTON ROBERT
4085 RICHMOND ST
PHILADELPHIA PA 19137-1419

Case No: 574778
Date of Notice: 03/02/17

Subject Premises: 4087 RICHMOND ST "FRANKFORD CREEK RIGHT OF WAY" AKA 4087 RICH
Inspection Type: C&I FIRE INSPECTION # 1

This is to inform you that the Department of Licenses and Inspections has inspected the subject premises and designated it as **in violation**, in whole or in part, within the meaning of the Philadelphia Code. This designation will remain until the violation(s) below is corrected.

If you fail to comply with this order, the City may take actions to comply with the city code by using its own forces or by contract. You, will be billed for all costs incurred including court and administrative fees. Failure to pay such bill will result in the City filing a lien in the amount against the title to the premises and/or costs and charges being recovered by a civil action brought against you.

If you have any questions regarding this notice, you may call the Code Enforcement Unit at 215-686-2506.

If you intend to appeal this violation, you must apply at Boards Administration, Public Services 11th Floor, Municipal Services Building, 1401 John F. Kennedy Blvd., Philadelphia, PA 19102, within 30 days of the date of this notice. Telephone inquiries concerning appeal process can be directed to 215-686-2427. It is necessary that you submit a copy of this notice with the appeal. (See A-801.2)

Please Note: Appeals for Fire Code requirements must be submitted to the Board of Safety and Fire Prevention, 240 Spring Garden Street, Philadelphia, PA 19123, (215) 686-1356.

INSPECTOR GONZALEZ
Code Enforcement

VIOLATIONS:

The quantity of hazardous material at this location exceeds the amount allowed without a permit.

An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts indicated within the Fire Code.

You must obtain the required operational permit or reduce, in an approved manner, the quantity of hazardous material on-site to or below the code limitation.

For application information, you may call License Issuance at 215-686-2490. (See F-2701.5, F-105.6.21 and F-105.6.21.1)

Location: 4087 RICHMOND ST/K SQUAD

OBTAIN ACTIVE HAZARDOUS MATERIAL LICENSE

The status of this violation is NOT COMPLIED as of 03/02/17.



CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS

Code Enforcement Unit
Commercial and Industrial Unit
1401 JFK Blvd.
11th Floor, Suite 1130
Philadelphia, PA 19102

VIOLATION NOTICE

HOLTON ROBERT
4085 RICHMOND ST
PHILADELPHIA PA 19137-1419

Case No: 574778
Date of Notice: 03/02/17

The number of days to comply this violation is 35 days.

A use registration permit is required for every new use commenced on any land or in any structure. Return the subject premise to its approved usage or secure the proper permit for its present use. For zoning information call 215-686-2455. (See A-301.1.5)

Location: 4087 RICHMOND ST/K SQUAD

MUST OBTAIN ZONING FOR ALL USES ON PROPERTY. SCRAP METAL/DISMANTLING/WRECKING OF USED MOTOR VEHICLES TO INCLUDE STORAGE AND SALE OF DISMANTLED. PARTIALLY DISMANTLED INOPERATIVE/WRECKED VEHICLES AND THEIR PARTS.

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

The subject building lacks one or more required portable fire extinguishers. Sufficient portable fire extinguishers, selected in accordance with the Fire Code and NFPA 10, must be placed so that travel distance to an extinguisher does not exceed 75 feet from any point in the building. Each required extinguisher is to be in a conspicuous location where it will be readily accessible and immediately available for use. The location is to be along normal paths of travel, unless the fire code official determines otherwise. Fire extinguishers must not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers. You must install and maintain a fire extinguisher(s) in accordance with the above. (See F-906.1, F-906.2, F-906.3, F-906.5 and F-906.6)

Location: 4087 RICHMOND ST/K SQUAD YARD AREA

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures; extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances. (See F-605.5)

Location: 4087 RICHMOND ST/ K SQUAD/STORAGE TRAILER

EXTENSION CORDS THAT ARE STRUNG ALONG THE WALL, FLOOR MUST BE REMOVED & DEDICATED WIRING INSTALLED.

The status of this violation is NOT COMPLIED as of 03/02/17.

The number of days to comply this violation is 35 days.

2017 MAR 02 PM 1:57
10215 E 10TH ST
PHILADELPHIA PA 19107



CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS

Code Enforcement Unit
Commercial and Industrial Unit
1401 JFK Blvd.
11th Floor, Suite 1130
Philadelphia, PA 19102

VIOLATION NOTICE

HOLTON ROBERT
4085 RICHMOND ST
PHILADELPHIA PA 19137-1419

Case No: 574778
Date of Notice: 03/02/17

This location lacks one or more of the required hazardous material identification signs. Unless otherwise exempted by the fire code official, visible hazard identification signs as specified in NFPA 704 for the specific material contained shall be placed on stationary containers and above-ground tanks and at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit and at specific entrances and locations designated by the fire code official. Such signs must not be obscured or removed, must be in English as a primary language or in symbols allowed by this code, must be durable, and the size, color and lettering must be approved. You must place a hazard identification sign meeting the above standards at each required location. (See F-2703.5 and F-2703.6)

Location: 4087 RICHMOND ST/K SQUAD/AT FRONT ENTRANCE
INSTALL ON THE EXTERIOR FENCE NEAR ENTRANCE

The status of this violation is NOT COMPLIED as of 03/02/17.
The number of days to comply this violation is 35 days.

The Material Safety Data Sheets (MSDS) for one or more of the hazardous materials found on this site are not available as required. A MSDS must be readily available and properly maintained on the premises for hazardous materials regulated by Chapter 27 of the Philadelphia Fire Code. You must make every required MSDS readily available or properly remove the material from the premises. (See F-2703.4)

Location: 4087 RICHMOND ST/K SQUAD
MSDS FOR ALL FLUIDS ON SITE

The status of this violation is NOT COMPLIED as of 03/02/17.
The number of days to comply this violation is 35 days.

Prohibited smoking is taking place at this location. Smoking is prohibited and "No smoking" signs must be provided in:
1. Rooms or areas where hazardous materials are stored, dispensed or used in open systems in amounts requiring a permit.
2. Within 25 feet of outdoor storage, dispensing or open use areas.
(See F-2703.7.1)

Location: 4087 RICHMOND ST/ K SQUAD/YARD AREA
POST IN YARD AREA

The status of this violation is NOT COMPLIED as of 03/02/17.
The number of days to comply this violation is 35 days.

RECEIVED
2017 APR - 9 PM 1:5
DEPT OF LIC & INSPECTIONS



CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS

Code Enforcement Unit
Commercial and Industrial Unit
1401 JFK Blvd.
11th Floor, Suite 1130
Philadelphia, PA 19102

VIOLATION NOTICE

HOLTON ROBERT
4085 RICHMOND ST
PHILADELPHIA PA 19137-1419

Case No: 574778
Date of Notice: 03/02/17

The accumulated grass or other growth at this location is a fire hazard. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, must be cut down and removed by the owner or occupant of the premises. You must remove accumulated grass or weeds from this premises.
(See F-304.1.2)

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Licenses required by the Philadelphia Code must be publicly displayed in a conspicuous place where the licensed activity or act is principally conducted in accordance with the requirements of the license. (See Titles 9 and 10)

Location: 4087 RICHMOND ST/K SQUAD

3374 - AUTO WRECKING LICENSE

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Location: 4087 RICHMOND ST/K SQUAD/YARD AREA

ALL DRUMS MUST BE ACCURATELY MARKED OF THEIR CONTENTS OR MARKED IF EMPTY.

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CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS

Code Enforcement Unit
Commercial and Industrial Unit
1401 JFK Blvd.
11th Floor, Suite 1130
Philadelphia, PA 19102

VIOLATION NOTICE

HOLTON ROBERT
4085 RICHMOND ST
PHILADELPHIA PA 19137-1419

Case No: 574778
Date of Notice: 03/02/17

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Location: 4087 RICHMOND ST/ K SQUAD

SCALE LICENSE

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The storage of combustible material at this location exceeds Fire Code limitations.

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You must reduce the height of any pile that exceeds 20 feet or a lesser height as determined by the width of the fire lanes on this property. (See F-315.3.2)

Location: 4087 RICHMOND ST/K SQUAD/REAR

CARS TO STACKED TO HIGH.

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The number of days to comply this violation is 35 days.

A \$75 fee will be assessed on the third inspection failure doubling with each subsequent failure up to a \$300 fine per inspection.

2017 APR 3 PM 1:51
DEPT OF LIC & INSPECTIONS
COMMERCIAL & INDUSTRIAL UNIT
1401 JFK BLVD
PHILADELPHIA, PA 19102



CITY OF PHILADELPHIA
DEPARTMENT OF
LICENSES AND INSPECTIONS

Operations Division, East District
Rising Sun Ave & Benner St, 2nd Floor
Philadelphia, PA 19111
Office: 215-685-0535
Email: OperationsEast@phila.gov

HOLTON ROBERT
4085 RICHMOND ST
PHILADELPHIA PA 19137-1419

L&I CASE NUMBER: 574778

DATE OF ORIGINAL NOTICE: 03/02/17

NOTICE OF INTENT TO CEASE OPERATIONS AND ORDER

Address in Violation: 4087 RICHMOND ST

Dear HOLTON ROBERT:

The Department of Licenses and Inspections conducted an inspection of the referenced premises and determined that it is violation of the Philadelphia Code. As set out in the Code, these violations may pose a threat to the safety, health or welfare to the occupants or surrounding community and require immediate correction.

Due to the nature of the violations cited in the Notice of Violation of Case No. 574778, as referenced above, the Department issues this **INTENT TO CEASE OPERATIONS**, which will become effective **04/12/17**. This is your **FINAL WARNING** prior to the issuance of a Cease Operations.

If a Cease Operations is issued, your business/property/establishment will be required to close, or that portion or use of the premises as specified in the Order will be forced to cease immediately.

This Notice of Intent to Cease Operations and Order can only be vacated by obtaining an immediate stay of enforcement as set out in the Administrative Code, or correcting the cited violations and passing an inspection by the Department prior to the Cease Operations effective date. Should you wish to appeal the Notice of Violation and the Cease Operations, you must file that appeal with the Boards Administration within thirty (30) days of the later of this Notice.

Appeal forms may be obtained online at: <http://www.phila.gov/li/Pages/Appeals.aspx> or in person at:

The Board of License and Inspection Review
1401 John F. Kennedy Blvd.
Municipal Services Building - 11th Floor
Philadelphia, PA 19102
Telephone (215)686-2427

As stated above, it is imperative that you address this matter immediately and consider this your final warning prior to the Department issuing a Cease Operations Order.

If you are the occupant of a residential building, a representative of the City of Philadelphia Office of Supportive Housing will be present the day the Cease Order is issued to assist you.

If you have any questions, please contact the Supervisor listed below at 215-685-0535

Sincerely,

East District Operations Supervisor

RECEIVED
1040 OF 15,411
2017 APR -3 PM 1:55
DEPARTMENT OF
LICENSES AND INSPECTIONS

A-1



CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS

Code Enforcement Unit
Commercial and Industrial Unit
1401 JFK Blvd.
11th Floor, Suite 1130
Philadelphia, PA 19102

CREEDON KEVIN
4087 RICHMOND STREET
PHILADELPHIA PA 19137

VIOLATION NOTICE

Case No: 574778

Date of Notice: 03/02/17

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Location: 4087 RICHMOND ST/K SQUAD/AT FRONT ENTRANCE

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(See F-2703.7.1)

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POST IN YARD AREA

The status of this violation is NOT COMPLIED as of 03/02/17.
The number of days to comply this violation is 35 days.

3 of 15

A-2

A3